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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 JAMES MICHAEL NEWMAN,) CASE NO. CV 16-941-DSF (PJW)
11)
12 Petitioner,) ORDER ACCEPTING REPORT AND
13) ADOPTING FINDINGS, CONCLUSIONS,
14 v.) AND RECOMMENDATIONS OF UNITED
15) STATES MAGISTRATE JUDGE, AND
16 STU SHERMAN, WARDEN, ET AL.,) DENYING CERTIFICATE OF
17) APPEALABILITY
18 Respondents.)
19 _____)
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21 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the
22 Petition, records on file, and the Report and Recommendation of the
23 United States Magistrate Judge. Further, the Court has engaged in a
24 *de novo* review of those portions of the Report to which Petitioner has
25 objected. The Court accepts the Report and adopts the findings,
26 conclusions, and recommendations of the Magistrate Judge.

27 Further, for the reasons stated in the Report and
28 Recommendation, the Court finds that Petitioner has not made a
substantial showing of the denial of a constitutional right and,
therefore, a certificate of appealability is denied. See 28 U.S.C.

§ 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
322, 336 (2003).

9/1/17

DATED: _____.



DALE S. FISCHER
UNITED STATES DISTRICT JUDGE